

Docket Item #21
DEVELOPMENT SPECIAL USE PERMIT #2003-0026
LYNN HOUSE OF POTOMAC VALLEY

Planning Commission Meeting
November 6, 2003

ISSUE: Consideration of a request for a development special use permit, with site plan, to expand a nursing facility.

APPLICANT: Lynn House of Potomac Valley, Inc.
by Duncan Blair, attorney

LOCATION: 4400 West Braddock Road

ZONE: R-8/Residential

SUMMARY:

The applicant, Lynn House of Potomac Valley, Inc., is requesting approval of a development special use permit to expand a non-complying use in the R-8 residential zone to construct a 4,000 sq .ft. addition to the existing 27,835 sq.ft. Lynn House nursing facility located at 4400 Braddock Road at the corner of N. Howard Street and Braddock Road. The 3.5 acre site is surrounded by single-family residential and the Fort Ward Park. The building addition will expand the existing nursing facility from 22 living units (beds) to 28 living units.



BACKGROUND:

The existing convalescent nursing facility is located on land which is currently zoned R-8, a residential single-family zone which does not permit a nursing facility as a permitted use. The use is a non-complying use that is allowed to expand with a special use permit. The nursing facility has existed on the site since 1954, prior to the prohibition of the use in the R-8 zone.

Proposed Addition:

On September 4, 1990, the Planning Commission approved a site plan (SP#90-020) for the project which was to be built in three (3) phases: Phases IA and IB and Phase II. Phases IA and IB consisted of constructing a new 22-bed, 29,300 sq.ft. facility with parking for 36 vehicles. Phase II consisted of construction of a 4,000 sq. ft. building addition on the north side of the new building. The approval for phase II, expired two years after completion of the main facility in 1993, because construction had not commenced. As contemplated in the original approval, the applicant is seeking special use permit approval to complete the project, but with five (5) less living units (beds) than the original 33 units that had been approved for the project 1990.

Expansion of a non-complying use:

The only issue with this application is the request to expand a non-complying use in the R-8 residential zone. A non-complying use is defined as a “use that lawfully existed prior to 1992 but which is not in compliance with the zoning regulations adopted in 1992.” When the 1992 Zoning Ordinance was adopted, it removed a provision for a convalescent nursing home, with a special use permit, from the R-8 zone.

The basis for permitting expansion of non-complying uses is that the uses could be evaluated on a case-by-case basis. Staff typically does not support expansion of non-complying uses. However, in this case staff does support the proposed expansion of the use and the building. Given the modest 4,000 sq. ft. size and low height (16 ft.) of the proposed addition, the considerable setback (175 ft.) from the adjoining residential uses and the fact that the applicant has successfully operated and maintained the facility since 1954, staff is recommending approval. Staff believes the proposed addition meets the fundamental intent of a special use permit: to ensure that a proposal is designed and operated to minimize any impacts on the adjoining neighborhood. Because the recommendation of approval is based upon the current owner and operator, a condition of approval is that the special use permit be granted only to the current applicant. Subsequent owners or operators would require special use permit approval. A recommendation of approval is the provision of a considerable amount of additional landscaping on the western portion of the site to provide additional screening for the adjacent residential uses.

CONCLUSION:

Staff is recommending **approval** of the proposed development special use permit with the conditions as outlined with the staff report.

STAFF RECOMMENDATION:

Staff recommends **approval** subject to compliance with all applicable codes and ordinances and the following conditions:

The following conditions are carried forward from SUP#2433:

1. That the permit be granted to the applicant only or to any corporation in which the applicant has a controlling interest. (P&Z)
2. **(REVISED BY STAFF)** That the number of beds permitted at the nursing facility be limited to twenty-eight (28) ~~thirty-three (33)~~ as requested by the applicant. (P&Z)

The following are new conditions:

3. The final design of the proposed Lynn House addition shall be consistent in architectural style, character and material quality as depicted on the preliminary architectural elevations dated August 11, 2003, and as depicted on the color rendering dated September 11, 2003, to the satisfaction of the Director of Planning and Zoning. The material for the building shall be brick and asphalt shingle roofing to match the existing building. (P&Z)
4. The total number of employees at the facility shall be limited to thirty-nine (39), or no more than twenty-two (22) for any shift. (P&Z)
5. A final landscape plan shall be provided with the final site plan to the satisfaction of the Directors of P&Z and RP&CA. The landscape plan shall also provide for the following:
 - a. Up to ten (10) additional 3"-3½" caliper shade trees and ten (10) additional evergreen trees on the western portion of the site to supplement screening for the adjacent residential uses and along the frontage of Braddock Road.
 - b. The designated caliper size of the Kwanzan Cherry trees shall be increased from 2" to 3½".
 - c. The designated caliper size of the Autumn Flame Maple trees shall be increased from 2 ½" to 3 ½".
 - d. The limits of disturbance shall be restricted to the area depicted on the preliminary plan.
 - e. All landscaping shall be maintained in good condition and replaced as needed.
 - f. All plant specifications shall be in accordance with the current and most up to date edition of the American Standard For Nursery Stock (ANSI Z60.1) as produced by the American Association for Nurserymen; Washington, D.C.

- g. All work shall be performed in accordance with Landscape Specifications Guidelines 4th Edition as produced by the Landscape Contractors Association (LCA) of Maryland, District of Columbia and Virginia; Gaithersburg, Maryland.
 - h. Utility lines such as water, storm sewer and electric lines shall be located to minimize impacts on proposed street trees and open space.
 - i. The location of all light poles shall be coordinated with the location of trees.
 - j. As trees mature they are to be limbed up to a minimum 6 feet. Trees are not to be planted under or near light poles. (P&Z) (RP&CA) (Police)
6. In the event any trees designated to be saved or outside of the immediate construction area are damaged or destroyed during the development process, the applicant shall replace such tree(s) with additional trees of significant caliper equal, cumulatively, to the tree destroyed. The landscape bond shall be maintained for a period of 24 months after approval of the final as-built site plan. (P&Z)
 7. A temporary informational sign shall be installed on the site prior to the approval of the final site plan for the project and shall be displayed until construction is complete incorporating the required information; the sign shall notify the public of the nature of the upcoming project and shall provide a phone number for public questions regarding the project. (P&Z)
 8. Any inconsistencies between the various drawings shall be reconciled to the satisfaction of the Directors of P&Z and T&ES. (P&Z)
 9. The applicant shall be permitted to make minor adjustments to the building foot print to accommodate the final design of buildings to the satisfaction of the Directors of P&Z and T&ES. (P&Z)
 10. Provide calculations and detailed drawings for the proposed flow splitter and 48" HDPE pipe to be used for stormwater detention. Include plan and profile for pipe. (T&ES)
 11. Developer to comply with the peak flow requirements of Article XIII of AZO. (T&ES)
 12. Plan must demonstrate to the satisfaction of the Director of T&ES that adequate stormwater outfall is available to the site or else developer is to design and build any on or off site improvements to discharge to an adequate outfall. (T&ES)
 13. Show all existing and proposed easements, both public and private. (T&ES)

14. Show existing and proposed street lights and site lights. Indicate the type of fixture, and show mounting height, and strength of fixture in Lumens or Watts. Provide manufacturer's specifications for the fixtures. Provide lighting calculations to verify that lighting meets City Standards in consultation with the police. (T&ES)
15. The applicant is advised that all stormwater designs that require analysis of pressure hydraulic systems and/or inclusion and design of flow control structures must be sealed by a professional engineer, registered in the Commonwealth of Virginia. If applicable, the Director of T&ES may require resubmission of all plans that do not meet this standard. (T&ES)
16. The stormwater Best Management Practices (BMPs) required for this project shall be constructed and installed under the direct supervision of the design professional or his designated representative. Prior to release of the performance bond, the design professional shall submit a written certification to the Director of T&ES that the BMPs are:
 - a. Constructed and installed as designed and in accordance with the approved Final Site Plan.
 - b. Clean and free of debris, soil, and litter by either having been installed or brought into service after the site was stabilized. (T&ES)
17. The surface appurtenances associated with the on-site structural stormwater Best Management Practices (BMPs) shall be marked to the satisfaction of the Director of T&ES to identify them as part of a structural BMP system. (T&ES)
18. For any surface-installed stormwater Best Management Practice (BMP), i.e. Bio-Retention Filters, Vegetated Swales, etc. that are employed for this site, descriptive signage for the BMPs is required to be installed to the satisfaction of the Director of T&ES. (T&ES)
19. Prior to approval of the final site plan, the applicant shall execute and submit a maintenance agreement with the City for the stormwater quality Best Management Practices. (T&ES)
20. The applicant shall be responsible for maintaining stormwater Best Management Practices (BMPs) until activation of the homeowners' association (HOA), if applicable, or until sale to an owner. Prior to transferring responsibility for the BMPs to the HOA or owner, the applicant shall execute a maintenance service contract with a private contractor for a minimum of three years and transfer the contract to the HOA or owner. A copy of the contract shall also be placed in the BMP Operation and Maintenance Manual. Prior to release of the performance bond, a copy of the contract shall be submitted to the City. (T&ES)

21. The applicant shall furnish the homeowner association, if applicable, or owner(s) with an Owner's Operation and Maintenance Manual for all the Best Management Practices (BMPs) used on site. The manual shall include at a minimum: an explanation of the functions and operations of the BMP(s), drawings and diagrams of the BMP(s) and any supporting utilities, catalog cuts on maintenance requirements, manufacturer contact names and phone numbers, and a copy of the maintenance agreement with the City. (T&ES)
22. During the construction phase of this development, the site developer, its contractor, certified land disturber, or owner's other agents shall implement a waste and a refuse control program. This program shall control wastes such as discarded building materials, concrete truck washout, chemicals, litter or trash, trash generated by construction workers or mobile food vendor businesses serving them and sanitary waste at the construction site and prevent its off site migration that may cause adverse impacts to the neighboring properties or the environment to the satisfaction of Directors of Transportation and Environmental Services and Code Enforcement. All wastes shall be disposed off-site properly in accordance with all applicable federal, state and local laws. (T&ES)
23. In approving the waiver of Article XIII, Section 13-117(B), water quality volume, the City requires that a certain portion of the site be treated in an approved water quality BMP. The treated impervious area must be equal to or greater than the proposed limit of disturbance (assuming no water quality design is required). The preliminary water quality BMP design indicates that 1.27 acres of mostly roof area will be treated. While this approach is acceptable, the City would prefer to have impervious surfaces that come into contact with vehicles be treated in order to maximize the water quality improvements afforded by the BMP. Please consider this as the site design progresses. (T&ES)
24. The applicant is to contact the Crime Prevention Unit of the Alexandria Police Department at 703-838-4520 regarding a security survey for the facility and a robbery awareness program for all employees. (Police)

25. In accordance with the City's Affordable Housing Policy, the applicant shall make a contribution to the City's Affordable Housing Trust Fund of \$1 per gross square foot of development for all new building area constructed if larger than 3,000 gross square feet. The applicant shall pay the contribution to the City's Office of Housing prior to issuance of the certificate of occupancy. (Housing)

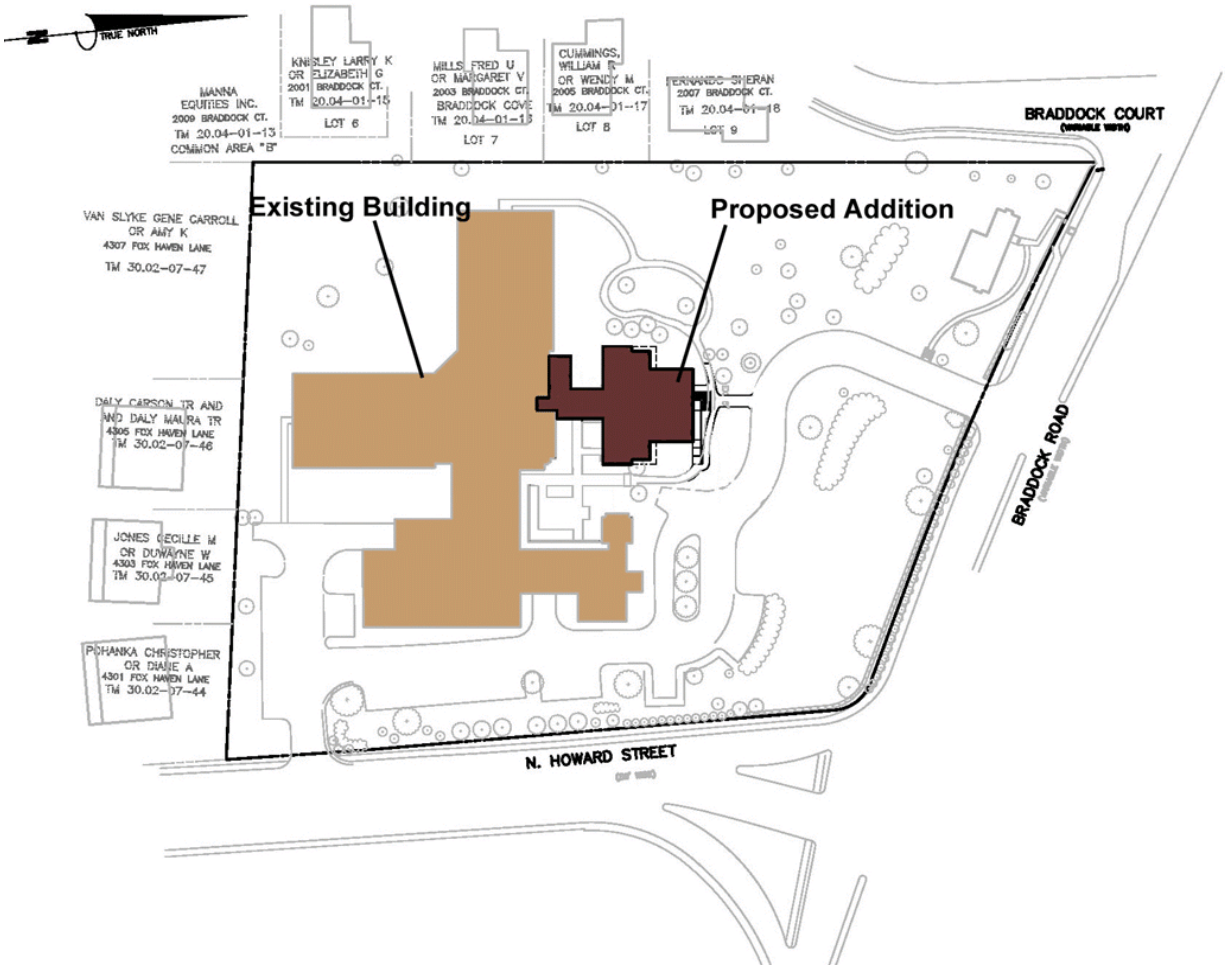
Special use permits and modifications requested by the applicant and recommended by staff:

1. Special use permit to expand a non-complying use in the R-8 residential zone

Staff Note: In accordance with section 11-506(c) of the zoning ordinance, construction or operation shall be commenced and diligently and substantially pursued within 18 months of the date of granting of a special use permit by City Council or the special use permit shall become void.

A. BACKGROUND:

The applicant, is requesting a development special use permit to expand a non-complying use to construct a 4,000 sq. ft. building addition to the existing 29,300 sq. ft. Lynn House convalescent nursing home facility located at 4400 West Braddock Road. The current facility was constructed in the early 1990's to replace the previous 33-bed facility built in 1950. The 3.5 acre site is surrounded by single-family residential and the Fort Ward Park. The building addition will expand the existing nursing facility from 22 living units (beds) to 28 living units.



Site Plan

B. DEVELOPMENT HISTORY:

On September 4, 1990, the Planning Commission approved a preliminary site plan #90-020 for Lynn House. The project was to be built in three (3) phases: Phases IA and IB and Phase II. Phases IA and IB, which comprise the current building and site improvements, was completed in 1993. As depicted on the approved 1990 preliminary site plan, a future Phase II building addition was shown on the north side of the main building. That addition was intended to accommodate ten (10) more resident units (beds). Once the addition was constructed, the total number of beds at the nursing facility would be 33 (the same number of beds that currently existed at the facility constructed in 1954).

C. PROPOSED USE:

The existing convalescent nursing facility is located on land which is currently zoned R-8, a residential single-family zone which does not permit a nursing facility as a permitted use. The use is non-complying, however, expansion is permitted with a special use permit. The nursing facility has existed on the site since 1954, 49 years prior to the prohibition of the use in the R-8 zone. Generally, the age of residents ranges from sixty (60) years or older, however, on occasion the facility may accept younger individuals who are in need of their services. The total number of individuals employed at the facility is twenty-five (25), covering three (3) shifts. The 7:00 A.M. to 3:00 P.M. shift has the highest number of employees with a maximum of up to 22 employees. The 11:00 P.M. to 7:00 A.M. shift has the fewest with three (3) employees. No medical services are offered to the residents other than feeding, bathing, clothing and bandaging of wounds. Other medical services being offered to the residents consist of rehabilitation for walking or training in the use of walkers. Patient meals are prepared on-site at the facility.

The proposed facility is described by the Zoning Ordinance as a nursing or convalescent home or hospice which provides 24 hour convalescent or chronic care, or both, for three or more individuals which are not related by blood or marriage to the operator and who, by reason of advanced age, chronic illness or infirmity, are unable to care for themselves. No intensive medical care or surgical or obstetrical services shall be provided by such an establishment. Lynn House is a religious facility of the First Church of Christ (Christian Science Church) which practices natural healing and rehabilitation through faith and prayer. Lynn House currently provides two levels of services—14 living units or beds are to utilized for assisted living where individuals may stay indefinitely, with the remaining 14 living units or beds being utilized for the treatment of patients much like a hospital except treatments consist of rehabilitation through faith and self healing. These individuals may as short as a day or up to a year depending on the severity of their illness.

The applicant has proposed no changes to operations as specified in SUP#2433. The Lynn House nursing facility currently operates 24 hours a day. The building addition will not require any additional staff and allow staffing to remain at the current level of twenty-five (25) employees, which includes administrative, nursing and support personnel. The applicant has expressed an interest utilizing part-time employees at the site, but the maximum number of employees would remain at twenty-two (22) for the 7:00 A.M. to 3:00 P.M. shift. Employee shifts permit a minimum of three (3) to twenty-two (22) employees at the site at any one time. The estimated number of employees per shift is as follows:

<i>NUMBER OF EMPLOYEES</i>	<i>SHIFT TIME</i>
13 to 22	7:00 A.M. to 3:00 P.M.
11 to 15	3:00 P.M. to 11:00 P.M.
3	11:00 P.M. to 7:00 A.M.

D. PROJECT DESCRIPTION:

The existing one-story building, contains 27,835 sq.ft. with 22 individual patient bedrooms, administrative offices, a personal care room, patient dining room, reading and activity/day rooms, including treatment and nurses' stations. The proposed addition will allow for more efficiency and an improved floor plan which is intended to better accommodate the needs of the residents. The applicant intends to house 12 assisted living units (beds) in the addition and convert eight (8) existing living units to assisted units. The proposed 4,000 square foot addition is located on the north side of the existing building along the frontage of Braddock Road. It is approximately 175 feet to the nearest single-family residence located in the Braddock Cove community. The one-story addition measures 16 ft. to the roof mid point and 20 feet to the top of the roof. The proposed building addition is to be 10 feet lower than the tallest portion of the existing facility.



Perspective View From Braddock Road

E. ZONING:

The subject property has been zoned R-8, residential since adoption of the Third Revised Zoning Map of 1953 and the 1992 rezonings. Prior to adoption of the 1992 Zoning Ordinance, Section 7-6-14(a) permitted a nursing home or sanitarium in an R-8, residential zone with a special use permit. However, after adoption of the 1992 zoning ordinance, the use was no longer a permitted use, with a special use permit. It is currently classified as a non-complying use. Under Section 12-302, the use is allowed to continue indefinitely as a legal use but subject to restriction of Sections 12-302 (A) through (J). Expansion of the non-complying use is permitted under Section 12-302(A) with a special use permit. The "Seminary Hill/Strawberry Hill Small Area Plan" designates the subject site Institutional (INST). The area plan recognizes use of the site for a nursing/convalescent home.

Section 7-6-72(11)(r) of the City Zoning Ordinance requires one (1) off-street parking space for each two (2) patient beds. A thirty-three (33) bed facility will be required to provide seventeen (17) off-street parking spaces. A 22-bed facility would be required to provide 14 off-street parking spaces. Thirty-six (36) existing off-street parking spaces have been provided to serve employee and visitor needs.

DSUP #2003-0026
LYNN HOUSE OF POTOMAC VALLEY

LYNN HOUSE		
Property Address:	4400 Braddock Road	
Total Site Area:	153,368 square feet or 3.5208 acres	
Zone:	R-8, residential single-family	
Current Use:	Nursing home facility	
Proposed Use:	Nursing home facility	
	<u>Permitted/Required</u>	<u>Proposed</u>
Floor Area	52,878 sq.ft.	27,835 sq.ft. <u>4,000 sq.ft.</u> 3,920 sq.ft.
FAR	0.35	0.21
Yards	front: 30' (Braddock Rd.) front: 30' (N. Howard St.) side: 25' or 1:1 rear: none (corner lot)	151.45' (Braddock Rd.) 160' (N. Howard St.) 113.19' N/A
Height	35'	16'
Open Space	none	100,757 sq.ft.
Parking	1 space/2 patient beds 14 spaces	36 spaces (existing)

F. STAFF ANALYSIS:

Staff is not opposed to the proposed building addition to the existing Lynn House convalescent nursing home. The subject property has been used as a nursing convalescent home since 1950. The facility is a non-complying use which may be expanded with a special use permit. The expansion is consistent with the original approval for a Phase II addition which was approved by City Council in 1990. The proposed addition will add six (6) additional living units (beds) and will not require any additional staff nor require any additional parking spaces which had been constructed with the new facility in the early 1990's.

G. CONCLUSION:

Staff is recommending **approval** of the development special use permit contingent upon the staff recommendations.

STAFF: Eileen Fogarty, Director, Department of Planning and Zoning;
Jeffery Farner, Chief, Development;
Gregory Tate, Urban Planner.

CITY DEPARTMENT COMMENTS

Legend: C - code requirement R - recommendation S - suggestion F - finding

Transportation & Environmental Services:

- C- 1 Bond for the public improvements must be posted prior to release of the plan.
- C- 2 All downspouts must be connected to a storm sewer by continuous underground pipe.
- C- 3 The sewer tap fee must be paid prior to release of the plan.
- C- 4 All easements and/or dedications must be recorded prior to release of the plan.
- C- 5 Plans and profiles of utilities and roads in public easements and/or public right-of-way must be approved prior to release of the plan.
- C- 6 All drainage facilities must be designed to the satisfaction of T&ES. Drainage divide maps and computations must be provided for approval.
- C- 7 All utilities serving this site to be underground.
- C- 8 Provide site lighting plan to meet minimum city standards.
- C- 9 The applicant shall comply with the City of Alexandria's Noise Control Code, Title 11, Chapter 5, which sets the maximum permissible noise level as measured at the property line.
- C- 10 The applicant must comply with the Chesapeake Bay Preservation Act in accordance with Article XIII of the City's zoning ordinance for storm water quality control which includes requirements for pollutant load reductions and treatment of the Water Quality Volume Default (WQV).
- C- 11 The applicant must comply with the City of Alexandria, Erosion and Sediment Control Code, Section 5, Chapter 4. This includes naming a Responsible Land Disturber on the Erosion and Sediment Control sheets prior to engaging in land disturbing activities in accordance with Virginia Erosion and Sediment Control Law.
- C- 12 All required permits from Virginia Department of Environmental Quality, Environmental Protection Agency, Army Corps of Engineers, Virginia Marine Resources must be in place for all project construction and mitigation work prior to release of the final site plan. This includes the new state requirement for a VPDES permit for all construction activities greater than 1 acre.

Code Enforcement:

The following are repeat comments from a review on 7/10/03 and 8/22/03. Updated comments are in **BOLD**.

- C-1 The developer shall provide a separate Fire Service Plan which illustrates: a) emergency ingress/egress routes to the site; b) two fire department connections (FDC) to the building, one on each side/end of the building; c) fire hydrants located within on hundred (100) feet of each FDC; d) on site fire hydrants spaced with a maximum distance of three hundred (300) feet between hydrants and the most remote point of vehicular access on site; e) emergency vehicle easements (EVE) around the building with a twenty-two (22) foot minimum width; f) all Fire Service Plan elements are subject to the approval of the Director of Code Enforcement. Submit plan as part of next set of plans. **Acknowledged but not submitted**
- C-2 Include Rodent Abatement Plan note. Prior to the issuance of a demolition permit or land disturbance permit, a rodent abatement plan shall be submitted to Code Enforcement that will outline the steps that will taken to prevent the spread of rodents from the construction site to the surrounding community and sewers. **Acknowledged but not submitted Include as note on plan.**
- C-3 Include Soil Report Note. A soils report must be submitted with the building permit application. **Condition not addressed.**
- C-4 Modified means of egress from existing building into new addition must meet the requirements of the USBC. **Condition not addressed.**

GENERAL COMMENTS

- C-5 New construction must comply with the current edition of the Uniform Statewide Building Code (USBC). **Condition met. Shown as Note 3, Sheet 2.**
- C-6 Alterations to the existing structure must comply with the current edition of the Uniform Statewide Building Code (USBC). **Acknowledged by applicant.**
- C-7 The developer shall provide a building code analysis with the following building code data on the plan: a) use group; b) number of stories; c) type of construction; d) floor area per floor; e) fire protection plan. **Acknowledged but not submitted.**

- C-8 Prior to submission of the Final Site Plan, the developer shall provide a fire flow analysis by a certified licensed fire protection engineer to assure adequate water supply for the structure being considered. **Acknowledged but not submitted.**
- C-9 A Certificate of occupancy shall be obtained prior to any occupancy of the building or portion thereof, in accordance with USBC 118.0. **Acknowledged by applicant.**
- C-10 The proposed addition shall be equipped with an automatic fire sprinkler system in accordance with NFPA 13 and the USBC. **Acknowledged by applicant.**

Historic Alexandria (Archaeology):

- F-1 Civil War period maps indicated the presence of a structure in the vicinity of this property, but the exact location is unknown. In addition, Fort Ward is situated across Braddock Road, and several other Civil War period fortifications are on nearby lots. The property therefore has the potential to yield archaeological resources which could provide information about the Civil War as well as insight into domestic activities outside of the town during the 19th century. Although archaeological testing conducted on the property in 1990 indicated that there was significant disturbance, it is possible that remnants of the 19th century activities could still be present.
- C-1 Call Alexandria Archaeology immediately (703-838-4399) if any buried structural remains (wall foundations, wells, privies, cisterns, etc.) or concentrations of artifacts are discovered during development. Work must cease in the area of the discovery until a City archaeologist comes to the site and records the finds.
- C-2 The above statements (in C-1) must appear in the General Notes of the site plan so that on-site contractors are aware of the requirement.

Police

Due to the proximity of existing residential single-family homes, staff has modified this requirement to include evaluation of appropriate lighting levels for the site in consultation with the police.

- R-1 The lighting in the parking lots, sidewalks and all common areas is to be a minimum of 2.0 foot candles minimum maintained.

Parks & Recreation (Arborist):

No comments

Health Department:

No comments

Virginia American Water Company

No comments